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IN RE PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION	)	Civil Action No. 01-12257-PBS
	)	
	)	Hon. Patti B. Saris
THIS DOCUMENT RELATES TO	)	
CLASS 1 RESIDENTS OF THE	)	
DISTRICT OF COLUMBIA AND	)	
STATES OTHER THAN THE	)	
COMMONWEALTH OF	)	
MASSACHUSETTS	)	
	)	

Johnson & Johnson, Centocor, Inc., and Ortho Biotech Products, LP (the “J&J Defendants”) hereby respectfully ask—pursuant to Federal Rule of Civil Procedure 7(b) and Local Rule 7.1(b)(4)—that the Court grant leave for the J&J Defendants to file a thirty-four (34) page brief in support of their Post-Remand Motion for Summary Judgment Against Class 1 Residents of the District of Columbia and States Other Than the Commonwealth of Massachusetts. In support of this motion, the J&J Defendants state the following:

1. The J&J Defendants are moving separately for summary judgment against (1) Class 1 members who reside in Massachusetts and (2) Class 1 members who reside in the District of Columbia and states other than Massachusetts.
2. The J&J Defendants' Memorandum in Support of Their Motion for Summary Judgment Against Class 1 Residents of the District of Columbia and States Other Than the

Commonwealth of Massachusetts (“the Brief”) is thirty-four (34) pages in length. Local Rule 7.1(b)(4) limits memoranda in support of motions to twenty (20) pages, without leave of Court.

3. The Brief involves significant issues of law pertaining to over forty states. These issues include both procedural and substantive features of each state’s consumer protection statute. The Brief discusses, among other things, why summary judgment is appropriate in states that do not require jury trials; in states with uniquely onerous consumer protection statutes; in states that require proof of reliance; in states that prohibit “deceptive,” “unfair,” or “unconscionable” conduct; and in states that require misrepresentations to be material. The J&J Defendants require thirty-four (34) pages to adequately explain these areas of state law.

4. Plaintiffs consent to this motion.

WHEREFORE, the J&J Defendants ask that this motion be granted, and that the Court grant the J&J Defendants leave to file a thirty-four (34) page brief in support of their Post-Remand Motion for Summary Judgment Against Class 1 Residents of the District of Columbia and States Other Than the Commonwealth of Massachusetts.

Dated: November 23, 2009

/s/ Andrew D. Schau

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Andrew D. Schau

Adeel A. Mangi

Elizabeth Shofner

Michael Jacobsohn

**PATTERSON BELKNAP WEBB &  
TYLER LLP**

1133 Avenue of the Americas

New York, New York 10036-6710

(212) 336-2000

*Attorneys for the J&J Defendants.*

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(a)(2), the undersigned certifies that I conferred with counsel for plaintiffs and was advised that plaintiffs consent to this motion.

/s/ Andrew D. Schau

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Andrew D. Schau

**CERTIFICATE OF SERVICE**

I certify that on November 23, 2009 a true and correct copy of the foregoing was delivered via electronic service to all counsel of record pursuant to Case Management Order No. 2.

/s/ Andrew D. Schau

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Andrew D. Schau